

# **Town Board Minutes**

**Meeting  
No. 29**

**Regular Meeting**

**September 17, 2007**

## ***Town Board Minutes***

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A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17<sup>th</sup> day of September 2007 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
RICHARD REESE JR., HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing water districts contracts.

At 9:39 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, 26 Tyler Street, spoke to the Town Board on the following matters:

- sidewalks on Columbia Avenue near Kennedy Court
- Former Depew Library building
- Village of Depew code enforcement

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- sidewalks in subdivisions

**Fronczak, Mike**, 3 Woodstream, spoke to the Town Board on the following matter:

- storm sewer bubblers

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- building permits - Cemetery Road - Pleasant View Drive
- sidewalks
- Erie County roads & bridges

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held September 10, 2007 and the Regular Meeting of the Town Board held September 10, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 17, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER RUFFINO, TO WIT:

**WHEREAS**, according to New York State Election Law, effective January 1, 2006, the Erie County Board of Elections assumed the duties/responsibilities for conducting Primary and General Elections, and

**WHEREAS**, the Erie County Board of Elections has notified the Town Clerk that they have need of the use of certain Town of Lancaster buildings as polling places for the conduct of the Primary and General Elections, and

**WHEREAS**, the Erie County Board of Elections has requested a lease agreement for such use.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is authorized to execute an agreement with the Erie County Board of Elections to permit use of certain buildings, namely the Youth Bureau, Senior Citizens Center, and the Town Court Building as polling places for the conduct of the Primary Election on September 18, 2007 and the General Election on November 6, 2007.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 17, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads. and

**WHEREAS**, the Highway Superintendent has advised that the \$5,000 sum which was appropriated for this work in the resolution of February 26, 2007 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$7,500, and

**WHEREAS**, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work, and

**NOW, THEREFORE,**  
**BE IT RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$7,500 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 17, 2007

File: rg&ksewerconstruction1907

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Sunstar Vending (AMF Bowling Centers- Lancaster Lanes),  
has applied for a license to operate and maintain a Game Room on premises located at 4913  
Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town  
of Lancaster, and

**WHEREAS**, the application was referred to the Building Inspector and  
Police Chief for review and recommendation, and

**WHEREAS**, the Building Inspector and Police Chief have completed their  
review and made a formal, favorable recommendation to the Town Board on the issuance of  
this license.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be and is hereby authorized to issue  
a license to Sunstar Vending (AMF Bowling Centers- Lancaster Lanes) to operate and  
maintain a Game Room on premises located at 4913 Transit Road, Lancaster, New York, and

**BE IT FURTHER**

**RESOLVED**, that said license shall be issued for the **one (1) year**  
**period of July 1, 2007 to June 30, 2008** in accordance with the application of the petitioner,  
as filed in the Town Clerk's Office, accompanied with a license fee of \$1200 for (18)  
amusement devices.

The question of the adoption of the following resolution was duly put to a  
vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 17, 2007

File: RLICENSE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 10499 to Claim No. 10593 Inclusive

Total amount hereby authorized to be paid: \$210, 425.56

The question of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 17, 2007

File: Retains

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STIEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

15064	Marrano/Marc Equity	35 Chicory Ln	Er. Dwlg.-Sin.
15065	Childress, John	515 Erie St	Er. Fence
15066	Duro Shed Inc	4956 William St	Er. Shed
15067	City Fence Inc	10 Willow Ridge Ln	Er. Fence
15068	Menna, Joseph	17 Hunters Dr	Er. Shed
15069	Przybyl, Walter, Jr	5490 Broadway	Er. Comm. Add./Alt (V/L)
15070	Girdlestone, Robert	23 Summit St	Er. Res. Add.
15071	Santoro Signs Inc	3619 Walden Ave	Er. Sign-Wall (V/L)
15072	Pignataro, Mande	15 Juniper Blvd	Er. Shed
15073	Barber, Thomas	431 Erie St	Er. Pole Barn
15074	Duro Shed Inc	5769 Broadway	Er. Shed
15075	Marrano/Marc Equity	9 Juniper Blvd	Er. Dwlg.-Sin.
15076	Marrano/Marc Equity	7 Juniper Blvd	Er. Dwlg.-Sin.
15077	Marrano/Marc Equity	12 Pelham Rd	Er. Dwlg.-Sin.
15078	Best Built Homes Inc	5 Northbrook Ct	Er. Res. Add.
15079	Safe, Paul	3490 Bowen Rd	Er. Garage
15080	Wadsworth, Brian	11 Sherwood Rd	Er. Shed (V/L)
15081	Barber, Thomas	431 Erie St	Er. Res. Alt.
15082	Majestic Pools Inc	47 Rehm Rd	Er. Fence
15083	Majestic Pools Inc	47 Rehm Rd	Er. Pool-In Grnd
15084	Transit French Associates	4779 Transit Rd	Er. Sign-Temp
15085	Wienckowski Builders	357 Ransom Rd	Er. Shed

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

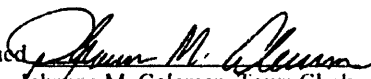
September 17, 2007

## COMMUNICATIONS & REPORTS:

472. Lancaster Village Planning Commission Chairman to Lancaster Village Mayor & Village Board Members -  
Request reconsideration to locate Band Shell in Village of Lancaster.  
DISPOSITION = Received and Filed
473. Erie County Department of Public Works to Supervisor -  
Certificate and Notice of highway restriction on portion of Stony Road.  
DISPOSITION = Received and Filed
474. Town Clerk to Supervisor -  
Monthly Report of August, 2007. DISPOSITION = Received and Filed
475. General Crew Chief to Planning Board, Council Members Montour, Ruffino & Stempniak -  
Notice from the Town Forestry Department that they will reserve judgement on the site plan of Tim Horton's Restaurant, 6339 Transit Road until a landscape plan is included.  
DISPOSITION = Received and Filed
476. NYS Utility Association to Supervisor -  
Transmittal of Typical Design for Utility Installation for Patio Homes.  
DISPOSITION = Received and Filed
477. Salvatore's Italian Gardens to Supervisor -  
Notice of application for renewal of liquor license. DISPOSITION = Town Attorney
478. Elma Town Clerk to Town Board -  
Transmittal of resolution adopted by the Elma Town Board opposing proposed state windmill siting procedure. DISPOSITION = Received and Filed
479. Village of Lancaster Treasurer to Supervisor -  
Letter to finalize agreement to the Historic Architecture Book project.  
DISPOSITION = Received and Filed
480. Village of Lancaster Treasurer to Supervisor -  
Transmittal of last installment payment from Intermunicipal Cooperation Agreement in regards to the Police merger. DISPOSITION = Received and Filed
481. Planning Board to Town Board -  
Draft copy of the minutes of the meeting held September 5, 2007. DISPOSITION = Received and Filed
482. Planning Board to Town Board -  
Approval of site plan for 5849 Broadway Development with conditions.  
DISPOSITION = Resolution 9/10/07
483. Elma Town Clerk to Town Board -  
Transmittal of resolution adopted by the Elma Town Board in support of the Animal Alliance of Western New York and Erie County SPCA. DISPOSITION = Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY  
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at 9:39 P.M.  
in memory of John Scherlein.

Signed   
Johanna M. Coleman, Town Clerk